

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GEMTRON CORPORATION,

Plaintiff,

-vs-

Case No. 1:04-0387
Hon: AVERN COHN

SAINT-GOBAIN CORPORATION,

Defendant.

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**ORDER STAYING PROCEEDINGS ON DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT OF PATENT INVALIDITY**

This is a patent case filed June 10, 2004. It has generated 486 docket entries as of June 10, 2007. On May 7, 2007, the Court heard oral argument on defendant's motion for summary judgement on written description invalidity. The motion was denied on May 8, 2007. On May 8, 2007, the Court entered a procedural order on the pending cross motions for summary judgment on the issue of infringement which was amended on May 14, 2007. On June 11, 2007, defendant filed a motion for summary judgment of patent invalidity based on obviousness which it states was prompted by the recent decision KSR International Co. v. Teleflex, Inc., 127 S.Ct. 1727 (2007). Defendant is now asking the Court to give it priority over the pending cross motions. The Court declines the request. Defendant had ample time to consider raising the issue of obviousness. Nothing in KSR suggests an epiphany. The decision is not so extraordinary as to move the issue of

obviousness to the front. Proceedings on defendant's motion are STAYED until further order of the Court. Proceedings on the cross motions continue.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: June 18, 2007

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, June 18, 2007, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160